

CITY COUNCIL AGENDA

NOVEMBER 16, 2004

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:02 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: Dando (Excused)

1:36 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Dando (Excused)

7:07 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: Dando (Excused)
- **Invocation (District 10)**
Almaden Country School Zoom Choir sang “Mozart” and “Peace”.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

Mayor Gonzales announced the appointment of Harry Mavrogenes as Executive Director for the Redevelopment Agency.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Vietnamese American Policy Research Institute (VAPRI) for their efforts to inform the Vietnamese Community on political issues and assisting Vietnamese Americans in registering to vote. (Cortese)
Deferred to 11/30/04. To be heard in the Evening.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to the San José PAL Blaze Team for placing, first, second, and third in six recent baseball tournaments and for qualifying for the World Series of the Super Series Tournament in December. (Cortese/Campos)

Heard in the Evening.

Mayor Gonzales, Council Members Cortese and Campos commended the San José PAL Blaze Coaches and Team for their outstanding efforts in qualifying for the World Series in Arizona. The All Star Team Members are: Randal Hoppe, Marcus Juarez, Chris McNeil, Alex Fabro, Jose Vazquez, Kyle Tachibana, Eric Mattos, Ivan Toruno, Javier Martinez, Mark Barron, Casey Juull, Matthew Medeiros, Chris Watkins, Brett Itatani, and Anthony Garcia.

- 1.3 Swearing-in of Youth Commission for District 8. (Mayor)

Heard in the Evening.

Mayor Gonzales and Council Member Cortese introduced Eliza Finley, Youth Commissioner for District 8. City Clerk Lee Price administered the Oath of Office to Ms. Finley.

2 CONSENT CALENDAR

- 2.1 Approval of Minutes.

There were none.

- 2.2 Final adoption of ordinances.

There were none.

- 2.3 Approval of an agreement for the Water Pollution Control Plant.

Recommendation: Approval of an agreement with CH2M HILL for provision of professional engineering services to the San José/Santa Clara Water Pollution Control Plant, from January 1, 2005 through December 31, 2005, in an amount not to exceed \$500,000. CEQA: Not a Project. (Environmental Services)
(Deferred from 11/2/04 – Item 2.3)

Approved.

- 2.4 Approval to amend the Concession Agreement to provide Internet access units at the Airport.

Recommendation: Approval of a first amendment and continuation agreement to the Concession Agreement with Neptune Networks, Inc. to provide Internet access units at the Norman Y. Mineta San José International Airport, extending the term from August 8, 2004 to August 31, 2007, with a minimum annual revenue to the City of \$10,000. CEQA: Resolution Nos. 67380 and 71451, PP 04-08-229. (Airport)

Approved.

2 CONSENT CALENDAR

2.5 Approval of actions related to the Lease of Airport Premises.

Recommendation: Approval of a first amendment to Lease of Airport Premises between the City of San José and Airport Group International, Inc. to assign the Lease to Airport Group International, LLC and to consent to an ownership transfer to AGI (US) Holdings LLC, a wholly owned indirect subsidiary of TBI, plc, a company organized under the laws of England. CEQA: Resolution Nos. 67380 and 71451, PP04-285. (Airport)

Dropped.

2.6 Approval of fiscal actions for the Library Department.

Recommendation:

(a) Adoption of appropriation ordinance and funding sources resolution amendments on the General Fund:

- (1) Increase an appropriation to the Library for the Child Care Endowment by \$47,900.
- (2) Increase an appropriation to the Library for General Gifts by \$30,590.
- (3) Increase an appropriation to the Library for the Children's Summer Reading Club by \$10,000.
- (4) Increase the estimate for Earned Revenue by \$88,490.

CEQA: Not a Project. (City Manager's Office)

Ordinance No. 27287 adopted.

Resolution No. 72387 adopted.

(b) Adoption of the following amendments to the annual appropriation ordinance and funding sources resolution in the Gift Trust Fund:

- (1) Increase the Library Grants appropriation by \$10,408.
- (2) Increase the estimate for Other Revenue by \$1,000.

CEQA: Not a Project. (City Manager's Office)

Ordinance No. 27288 adopted.

Resolution No. 72388 adopted.

2.7 Approval of a pilot parking incentive program for new Downtown start-ups.

Recommendation: Adoption of a resolution to amend the Master Rate Parking Rate Schedule to institute a three (3) year pilot program to allow fifty (50) total parking spaces in Municipal Off-Street Parking Facilities (excluding the 4th Street Garage Facility) to be leased for free for a two (2) year period by eligible small start-ups in the bio-tech and high-tech industries, limited to up to ten (10) free parking spaces for each eligible start-up company, and repealing Resolution No. 71779.

CEQA: Resolution No. 68839. (Economic Development)

Resolution No. 72389 adopted.

2 CONSENT CALENDAR

2.8 Adoption of Statement of Policy and City Council Questions related to the selection of a new Aviation Director.

Recommendation: Adoption of the Statement of Policy and City Council Questions related to the selection of a new Aviation Director as described in the memo, in compliance with City Charter Section 411.1. CEQA: Not a Project. (Employee Services)

Statement of Policy and City Council Questions Adopted, with Staff to incorporate the following additions:

- (1) What do you see as the key factors and the major challenges in the ten year rebuilding and expansion of the Airport? How would you propose to address those challenges?
- (2) What is your view of the role of the Airport Director in the rebuild and expansion of the Airport? What should the Director do to ensure the rebuild is successfully completed?
- (3) What is your general management style and approach?
- (4) What steps would you take to further improve the relationship of the Airport to the surrounding neighborhood?
- (5) What do you feel needs to be done to attract more flights, particularly International flights, to the Airport?
- (6) Name three things you would change about how the Airport is operated and managed?
- (7) What is your relationship with the FAA?
- (8) What is your background with the airlines in terms of handling contracts?

2.9 Approval of actions for the Police Department's Horse Mounted Unit.

Recommendation: Adoption of the following amendments to the annual appropriation ordinance and funding sources resolution in the Gift Trust Fund:

- (a) Increase the Police Mounted Unit appropriation to the Police Department by \$22,343.
- (b) Increase the estimate for Earned Revenue by \$22,343.

CEQA: Not a Project. (Police/City Manager's Office)

Ordinance No. 27289 adopted.

Resolution No. 72390 adopted.

2 CONSENT CALENDAR

2.10 Approval of actions related to aerial photographs.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a second amendment to the agreement with Triathlon, Inc. amending the orthophoto license buyout schedule, in the amount of \$1.00.

Resolution No. 72391 adopted.

- (b) Adoption of a resolution authorizing the City Manager to execute the first amendment to the Cooperation Agreement between the City of San José, the County of Santa Clara and the Santa Clara Valley Water District for Obtaining Orthorectified Aerial Photographs (Phase No. 2).

CEQA: Not a Project. (Public Works)

Resolution No. 72392 adopted.

2.11 Approval of appointments to the San José Housing Trust Fund Oversight Committee.

Recommendation: Approval of two appointments to the San José Housing Trust Fund Oversight Committee. (Mayor)

(Deferred from 11/9/04 – Item 2.9)

The appointment of John Burns, and Marie Hook, were approved.

2.12 Approval of various actions related to travel by Council Member Williams to Barcelona, Spain, November 17 – 20, 2004.

Recommendation:

- (a) Designation of Council Member Forrest Williams as the City of San José representative at the Grand Opening at Dolce Sitges Conference Center and Corporate Meeting Place in Barcelona, Spain.
- (b) Acceptance of a gift from the MedGroup to provide accommodations for the designated City representative.
- (c) Approval to use appropriate Council District Funds as the source of funding for transportation to Barcelona, Spain for the designated City representative.

[Rules Committee referral 11/10/04 – Item 3.2(g)(1)]

Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – November 3, 2004

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review November 16, 2004 Draft Agenda
The Committee recommended approval of the November 16, 2004 City Council agenda.
 - (2) Add New Items to November 9, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests**The Committee recommended approval of the November 9, 2004 City Council agenda with eleven additions.**
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's report.
- (c) Legislative Update
 - (1) State
There was no report.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee noted and filed the Public Record, with the Administration directed to return to Committee with a summary of communications with Glen Wetzel in response to his request to address Council.
- (f) Appointment to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) 2004 National League of Cities Voting Delegate and Alternate at the Annual Business Meeting
This was reported on at the November 9, 2004 City Council Meeting, Item 3.2(g)(1).

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – November 3, 2004 (Cont'd.)

Vice Mayor Dando, Chair

- (h) Oral communications
Scarlett Li Lam asked the Committee what the process is for citizen input and/or comments regarding the independent investigation relating to the claim against Council Member Terry Gregory for wrongful termination.
- (i) Adjournment
The meeting was adjourned at 2:55 p.m.

Report of the Rules Committee – November 10, 2004

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review November 23, 2004 Draft Agenda
Dropped. The meeting was canceled.
 - (2) Add New Items to November 16, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests**The Committee recommended seven additions to the November 9, 2004 City Council agenda.**
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's Report.
- (c) Legislative Update
 - (1) State
There was no report.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
The Committee recommended approval of the City Council Meeting Schedule for the period of January – July 2005.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointment to Boards, Commissions and Committees
There were none.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – November 10, 2004 (Cont'd.)

Vice Mayor Dando, Chair

(g) Rules Committee Review, Recommendations and Approvals

- (1) Request to use Council Travel Fund by Council Member Williams to represent the City of San José at the Grand Opening of Dolce Sitges Conference Center and Corporate Meeting Place in Barcelona, Spain. **The Committee discussed the intent of the recently established Council Travel Fund and recommended further discussion can be brought to the Driving a Strong Economy Committee. The Committee recommended approval of the acceptance of the gift of funds from MedGroup for Council Member Williams' accommodations in Barcelona, Spain, designation of Council Member Williams as the City of San José's representative, and the approval of travel utilizing District 2 funds.**

(h) Oral communications

There were none.

(i) Adjournment

The meeting was adjourned at 2:33 p.m.

The Rules Committee Reports and the Actions of November 3, and November 10, 2004, were accepted.

3.3 Report of the Making Government Work Better Committee

Council Member Campos, Chair

No Report.

3.4 Approval of an ordinance amending the City's Campaign Ordinance, as it relates to Officeholder Accounts.

Recommendation: Approval of an ordinance amending Part 8 of Chapter 12.06 of Title 12 of the San José Municipal Code to amend City of San José Campaign Ordinance relating to Officeholder Accounts, as recommended by the Blue Ribbon Task Force. (Blue Ribbon Task Force/City Attorney)

Ordinance No. 27290 passed for publication.

3.5 Review and consider modifications to Council Policy 0-28, which sets forth procedures regarding censure.

Recommendation: Approve modifications to Council Policy 0-28 (Censure Policy), as recommended by the Blue Ribbon Task Force.

Deferred to 11/30/04.

3 STRATEGIC SUPPORT SERVICES

3.6 Approval of an ordinance amending certain provisions of the Campaign Finance Ordinance.

Recommendation: Approval of an ordinance amending Chapters 12.02, 12.04 and 12.06 of Title 12 of the San Jose Municipal Code relating to definitions, enforcement and making technical corrections, as recommended by the Blue Ribbon Task Force.
(Blue Ribbon Task Force/City Attorney)

Ordinance No. 27291 passed for publication, as amended change:
“candidates’ campaign strategy, plans or needs” to “strategy, plans and needs”.

3.7 Adoption of a revised Council Policy for Retaining Architectural and Engineering Services.

Recommendation: Adoption of a revised Council Policy for Retaining Architectural and Engineering Services. CEQA: Not a Project. (Public Works)
(Deferred from 11/9/04 – Item 3.5)

Deferred to 11/30/04.

3.8 Approval of fiscal actions for the Animal Shelter Facility.

Recommendation: Adoption of appropriation ordinance amendments in the General Fund in the amount of \$879,000 to increase the Animal Shelter Facility Capital Appropriation to raise the City's "Good Faith" deposit pending the outcome of legal proceedings regarding the value of the facility land acquisition costs.

- (a) Increase the appropriation for the Capital Improvements Animal Shelter Facility project by \$879,000.
- (b) Decrease the appropriation for City-Wide Expenses General Liability Claims by \$879,000.

(City Manager’s Office)
(Rules Committee referral 11/10/04)

Ordinance No. 27292 adopted.

3 STRATEGIC SUPPORT SERVICES

3.9 Acceptance of the Procurement Strategy Report for the New City Hall Converged Network.

Recommendation: Acceptance of the Procurement Strategy Report that outlines the process to be used for selecting vendor(s) for the successful implementation of the New City Hall (NCH) Converged Network, and direction to the City Manager to proceed with the procurement process and schedule as defined in the report. (City Manager's Office) (Rules Committee referral 11/10/04)

Report Accepted, with Staff directed to return 11/30/04 with the following:

- (1) Answers to anticipated questions that Council, as policy makers, will be asking on 11/30/04, such as Gartner's experience with other cities and previous experience with the City of San José; what impacts, and/or delays on business functions can be expected; what, if any, re-engineering will be necessary, and in which phase; and any problems which may be encountered with legacy systems.
- (2) A realistic implementation schedule.

3.10 Approval of actions related to the Customer Service and Performance Management System (CUSP).

Recommendation:

- (a) Adoption of a resolution by City Council authorizing the City Manager to negotiate and execute a contract from November 17, 2004 to June 30, 2005 in an amount not to exceed \$440,220 with BearingPoint, Inc. to participate in Stage 1 of the CUSP Project, which includes a comprehensive business process gap fit readiness analysis related to the ultimate installation and implementation of CUSP.
- (b) Adoption of a resolution by City Council authorizing the City Manager to negotiate and execute a Customer Information System (CIS) consultant services contract from November 17, 2004 to June 30, 2005 in an amount not to exceed \$325,700 with Blue Heron Consulting to assist City staff with Stage 1 of the CUSP Project, which includes providing the City with an independent, third party overview and analysis of a comprehensive business process gap fit readiness analysis and contract negotiations related to the City's development of the BearingPoint contract scope of services for Stage 2 of the CUSP Project.
- (c) Adoption of the following appropriation ordinance and funding sources resolution amendments by City Council to:
 - (1) Increase the estimate for Earned Revenue in the Integrated Waste Management Fund by \$4,389,242.
 - (2) Establish a CUSP Project appropriation to the Finance Department in the Integrated Waste Management Fund in the amount of \$4,389,242.

CEQA: Not a Project. (Finance/City Manager's Office)

(Deferred from 10/5/04 et al and 11/9/04 – SJFA#3)

Deferred to 11/30/04.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chavez, Chair

No Report.

4.2 Report of the Driving a Strong Economy Committee

Council Member Williams, Chair

No Report.

4.3 Approval to award a contract for the Willow Glen - Guadalupe, Storm Drain Improvement Project (Phase II).

Recommendation: Report on bids and award of contract for the Willow Glen - Guadalupe, Phase II Storm Drain Improvement Project to the low bidder, Casey Construction, for the base bid and Add Alternate Nos. 1 and 2, in the amount of \$1,428,068, and approval of a contingency in the amount of \$143,000. CEQA: Exempt, PP04-261. Council District 6. (Public Works)

Approved.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – November 4, 2004

Council Member Yeager, Chair

(a) San José After School Implementation
The Committee accepted the Report.

(b) Early Care and Education Services Strategic Work Plan Status Update
The Committee accepted the Report.

(c) Annual Report on Library Usage

(d) Report on First Year of Operation of the King Library
The Committee accepted the Reports.

(e) Mayor's Gang Prevention Task Force Update
Deferred to January 2005.

(f) Update on Public Safety and Truancy
The Committee accepted the Report.

(g) Update on School Safety Program
The Committee accepted the Report.

(h) Oral Petitions
There were none.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – November 4, 2004 Council Member Yeager, Chair (Cont'd.)

(i) Adjournment

The meeting adjourned at 3:20 p.m.

The All Children Achieve Committee Report and the Actions of November 4, 2004, were accepted.

5.2 Approval of actions for the San José Municipal Golf Course.

Recommendation: Approval of a five-year property use agreement, and one five-year option, with MetroPCS allowing for construction, installation, maintenance, and operation of a telecommunications facility at San José Municipal Golf Course, and the approval of a Right of Entry/Revenue Sharing agreement with MetroPCS and Mike Rawitser Golf Shop to allow for MetroPCS's entry onto the Golf Course and for the equal sharing of the revenue generated by this installation between the City and Rawitser Golf. CEQA: Exempt, PP04-272. Council District 4. (Public Works/Parks, Recreation and Neighborhood Services/Information Technology)
(Deferred from 11/9/04 – Item 5.3)

Approved.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – November 1, 2004 Council Member Cortese, Chair

(a) Expansion and Improvement of Transit and Transportation Systems

(1) Report on BART Extension to San José/Silicon Valley

The Committee accepted the Report.

(2) Report on Route 101 Corridor Studies

The Committee accepted the Report.

(3) Review of EIR Recommendations for Santa Clara/Alum Rock Transit Corridor of the Downtown-East Valley Project

The Committee accepted the Report.

(4) Taxicab Service Model Implementation Follow-up Report and Recommendations

The Committee accepted the Report for the sake of discussion.

Following the discussion, the Committee heard the motion, and voted again (3-1-0. Noes: Dando.)

See Item 6.2 for Council Action taken.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – November 1, 2004 Council Member Cortese, Chair (Cont'd.)

- (b) Traffic Relief/Safe Streets
 - (1) Traffic Calming – Private Development Monitoring Status Report
The Committee accepted the Report.
- (c) Supporting Smart Growth
No items.
- (d) Regional Relationships/Funding/Policy
 - (1) Receive Status Report on State, Federal and Local Legislative Positions
The Committee accepted the Report.
 - (2) One Year Report on the Construction Impact Mitigation Plan (CIMP) Activity
The Committee accepted the Report.
- (e) Oral petitions
There were none.
- (f) Adjournment
The meeting was adjourned at 4:01 p.m.

The Building Better Transportation Committee Report and the Actions of November 1, 2004, were accepted.

6.2 Approval of actions related to the implementation of the New Taxicab Service Model.

Recommendation:

- (a) Approval of the taxicab service model implementation status reports, including the amended distribution of Airport access contracts.
- (b) Direction to staff to issue a new Request for Proposals (RFP) for an Airport taxicab starter service and concurrently provide the taxicab industry the opportunity to develop a consortium operated Airport taxicab starter service, if the consortium alternative does not appear feasible by December 15, 2004, staff is directed to issue the RFP.
- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute extensions to the current Airport concession agreements with Yellow Cab and United Cab through March 31, 2005 to coincide with an anticipated date of award for a new taxicab starter service, and include the flexibility to continue the agreements on a month-to-month basis to manage any potential transition items

(Item continued on the next page)

6 TRANSPORTATION SERVICES

6.2 Approval of actions related to the implementation of the New Taxicab Service Model (Cont'd.)

- (d) Direction to the City Attorney to draft an ordinance for City Council approval that temporarily limits, until October 30, 2005, the number of citywide taxicab driver permits at 571 and the number of taxicab vehicles at 572. (BBT)

CEQA: Not a Project. (Transportation/Police/Airport)

[Building Better Transportation Committee referral 11/1/04 – Item 6.1(a)(4)]

Resolution No. 72393 adopted, with Staff directed to:

- (1) Work closely with Santa Clara Valley Transportation Authority (VTA) related to paratransit and outreach, and take whatever action is needed to increase options for people who are in need of those services.**
- (2) Return with goals and guidelines on certain percentages of air quality reduction ascribed to alternative fuels, in meeting the City's air quality requirements as part of its mitigation.**

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval of various actions for the Airport Master Plan.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute the third amendment to the agreement with AvAirPros, Inc. for consulting services related to technical, financial, and operational issues during implementation of the Master Plan, increasing compensation by \$240,000, from \$250,000, for a total agreement amount not to exceed \$490,000, and extending the term of the agreement from December 31, 2004 to December 15, 2005. CEQA: Resolution Nos. 67380 and 71451, PP04-288. (Airport)

Resolution No. 72394 adopted.

- (b) Approval of the following policy direction in the development of the Airport's North Concourse Concession Program:
- (1) A single prime operator for the food and beverage element of the North Concourse.
 - (2) One or two prime operators for the retail portion of the North Concourse.
- CEQA: Not a Project. (Airport)

Deferred to 11/30/04/.

(Item continued on the next page)

8 AVIATION SERVICES

8.1 Approval of various actions for the Airport Master Plan (Cont'd.)

- (c) Approval of the proposed *Norman Y. Mineta San José International Airport Public Art Master Plan*. CEQA: Exempt, PP 04-274. (Office of Cultural Affairs/Airport)

Approved, with Staff directed to:

- (1) Add an aviation-themed exhibit.**
 - (2) Report back to the Council within 60 days with recommendations for changes in the Artist and Artwork Approval Process that may be necessary to have a significant portion of the artwork in place at the time of the opening of the North Concourse.**
 - (3) Include operating and maintenance budget estimates and identify sources of funding in Staff reports to the Council when specific artworks are considered.**
 - (4) Include the Airport Commission, other airport stakeholders and users in the Community Workshop and Community Input portions of the Artist and Artwork Approval Process.**
 - (5) In addition to any artwork that may relate to San José's aviation history, and outside of the art program and budget, commemorate the aviation history of San José and acknowledge the contributions of Jim Nissen, Ernie Renzel and Norman Mineta in an appropriate place in the North Concourse.**
 - (6) Incorporate San José's history and diversity.**
 - (7) Conduct outreach to include the local artist community.**
- (d) Adoption of a resolution approving a Minor Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to increase the estimated size of terminal building space needed to adequately accommodate projected passenger demand from a total of 1,075,000 square feet to 1,700,000 square feet of enclosed building space. CEQA: Resolution Nos. 67380 and 71451, PP04-305. (Airport)
Deferred to 12/7/04.
- (e) Adoption of a resolution approving a Minor Amendment to the Airport Master Plan for the Norman Y. Mineta San José International Airport to lease a 52-acre site on the west side of Coleman Avenue (former FMC property) for interim Airport rental car, employee parking, and construction staging uses. CEQA: Resolution Nos. 67380 and 71451, PP04-305. (Airport)
Resolution No. 72395 adopted.

8 AVIATION SERVICES

8.2 Acceptance of the staff presentation on the status of the Leadership in Energy & Environmental Design (LEED).

Recommendation: Acceptance of the staff presentation on the status of the Leadership in Energy & Environmental Design (LEED) efforts for the North Concourse building at the Norman Y. Mineta San José International Airport. CEQA: Resolution Nos. 67380 and 71451, PP04-300. (Airport)

Accepted.

9 PUBLIC SAFETY SERVICES

9.1 Status Report on the Computer Aided Dispatch System (CAD).

Recommendation: Acceptance of status report on the Computer Aided Dispatch System (CAD). (Police/Fire/IT)
(Referred from 10/19/04 – Item 9.1)
(Rules Committee referral 11/10/04)

Accepted, with Staff directed to:

- (1) Obtain feedback from Intergraph as to the operation of the system, whether it is the right system, and if Intergraph fulfilled their contract.
- (2) Research and incorporate other cities with similar call lines into the study.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
No Report.

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9614	S/W corner Barnes Ln/Almaden Road	10	Robson Homes LLC	25	Single- Family Detached	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

None.

- **Open Forum**

- (1) **Jane Soper, Chai House Senior Facility, submitted a citizen's petition in support of the return of the services provided by the Library bookmobile.**
- (2) **Carolina Farias asked for Council's support to help save Inca Gardens Restaurant.**
- (3) **Patricia Watkins expressed her desire to help preserve small, ethnic and family-owned businesses, and restaurants in the downtown.**
- (4) **Jose Mendoza, Tropicana Merchant, asked for Council's support in maintaining small ethnic businesses in downtown.**

- **Adjournment**

The Afternoon Council Session was adjourned at 5:44 p.m.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:07 p.m.)

11.1 Public Hearing on and consideration of approval of an ordinance on Conventional Rezoning located at 498 W. San Carlos Street.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conventional Rezoning from LI Light Industrial Zoning District to CP Commercial Pedestrian Zoning District, to allow commercial uses on a 0.53 gross acre site, located at/on the southeast corner of West San Carlos Street and Josefa Street (498 W. San Carlos Street) (Leonard & Co. Inc., Owner). CEQA: Resolution No. 65459. SNI: Delmas Park. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

C04-074 - District 3

Ordinance No. 27293 passed for publication.

11.2 Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning located at the southwest corner of Coleman Street and West Taylor Street.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District, to allow a community retail center of up to 385,000 square feet containing a mixture of retailers, sit-down restaurants, drive-through fast food restaurants, offices, gas stations, and other typical retail and quasi-retail uses, such as service business and office uses, on a 39.1 gross acre site, located at the southwest corner of Coleman Street and West Taylor Street. (Southern Pacific Transportation Co., Owner). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). PDC04-018 - District 3

Ordinance No. 27294 passed for publication, with the following conditions:

- (1) In conjunction with the new Autumn Street/Coleman Avenue intersection proposed as part of the project, install a signal control and appropriate conduit that allows for 4-leg intersection operation in order to facilitate future access to Guadalupe River Park and Gardens Visitor Center.**
- (2) Improve median treatments along the Taylor Street underpass.**
- (3) Pursue a maintenance agreement between the applicant/developer and the City of San José to allow enhanced landscaping along Coleman Avenue.**
- (4) Pursue a left turn pocket off of southbound Coleman Avenue onto Seymour Street.**
- (5) Acceptance of developer's contribution to construct a new landscaped median island with appropriate signage along Santa Teresa Street at the intersection with Coleman.**
- (6) Acceptance of developer's contribution to place directional signage for Downtown, the San José International Airport, and Civic Center along Coleman Avenue.**

CEQA Resolution No. 72396 adopted.

11 PUBLIC HEARINGS

11.3 Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning located on the Union Pacific Railroad right-of-way.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning District from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 105 single-family detached residences on a 13.0 gross acre site, located on the Union Pacific Railroad right-of-way at the south side of East William Street approximately 400 feet westerly of McLaughlin Avenue (Union Pacific Corp, Owner; KB Home South Bay, Inc., Developer). SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC03-098- District 3

Ordinance No. 27295 passed for publication, with the following conditions:

- (1) Incorporate design elements to limit views into existing adjacent homes as appropriate and low fencing along the new 22nd Street to facilitate more active interface along the eastern edge of the project at the PD Permit Phase.**
- (2) Develop traffic calming elements (i.e. speed tables and/or humps) along the new 22nd Street.**
- (3) Acceptance of the developer's contribution to fully fund signal upgrades at the McLaughlin Avenue and William Street intersection.**
- (4) Continue to pursue design and construction of the Martin Park expansion (approximately 5.8 acres of new park on existing city-owned landfill) pursuant to the City's Parkland Dedication Ordinance.**

11.4 Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning located at 3550 Snell Avenue.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning from IP Industrial Zoning District to allow industrial uses on a 2.4 gross acre site, located at/on the northeast corner of Snell Avenue and Hillsdale Avenue (3550 Snell Avenue). (Matthew James F. and Joanne, Trustee/Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommend approval. No Planning Commission action required.

C04-087 - District 7

Ordinance No. 27296 passed for publication.

11 PUBLIC HEARINGS

11.5 Public Hearing on and consideration of approval of an ordinance for an Appeal of the Planning Director's Decision to approve a Tentative Map Permit, with conditions.

Recommendation: Public Hearing on and consideration of approval of an ordinance for an Appeal of the Planning Director's Decision to approve a Tentative Map Permit, with conditions, for subdivision of one 0.33 acre lot into 6 lots for single-family detached residential and auto court/common open space uses located at 2120 Canoas Garden Avenue in the A(PD) Planned Development Zoning District. (Levitt, Shirley C.L., Owner; Ms. Shirley Lu-Levitt, Developer). CEQA: Negative Declaration, File No. PDC03-078.

PT04-017 - District 6

Dropped.

11.6 Public Hearing on and consideration of approval of an ordinance on Conventional Rezoning located at 1516 N. 4th Street.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conventional Rezoning from LI, Light Industrial Zoning District to CG Commercial General Zoning District to allow commercial uses on a 0.61 gross acre site, located at/on the southeast corner of Fourth Street and Koll Circle (1516 N. 4th Street). (Fong Lawrence Trustee & et al., Owner). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

C04-081 - District 3

Ordinance No. 27297 passed for publication, with the one-week turn around for the second reading dropped.

● Open Forum

- (1) Sue Williams expressed support for the passage of the Library Measure "S".
- (2) Daniel McCall expressed his views on medical marijuana and politics.

● Adjournment

The Council of the City of San José was adjourned in memory of Jim Thu Duong, founder of California Waste Solutions.

The Council of the City of San José was adjourned at 7:47 p.m.